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## THE CITY OF KEY WEST

1300 WHITE STREET  
KEY WEST, FLORIDA 33040

January 10, 2023

To: The City Commission for the City of Key West

From: Ron Ramsingh, Interim City Attorney

RE: Ban on smoking in parks and beaches

Sponsor: Patti McLaughlin, City Manager through the Parks and Recreation Board

### Background:

In 2022, the Florida Legislature created F.S. 386.209 that permits municipalities to regulate cigarette smoking in parks and on beaches. The state regulation does not permit the city to regulate cigar smoke and this proposal complies with that restriction.

In September 2022, the Parks and Recreation Board passed a resolution to recommend that the City Commission pass this regulation. Last summer, Monroe County passed a similar ban to address their county owned parks and beaches.

The penalty for violating this new ordinance will be a civil fine of \$100.00 for the first violation if paid within 10 days and up to \$500.00 for subsequent violations

### Options:

1. To pass the proposed ordinance thereby banning cigarette smoking within city parks and on city beaches.
2. To deny the proposed ordinance and cigarette smoking on city owned parks and beaches will continue but will be banned on county-owned Higgs Beach.

Recommendation:

To accept the recommendation of the Parks and Recreation Board and pass the attached ordinance to ban cigarette smoking in city owned parks and on city owned beaches to have consistency with Monroe County.